

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA**

KALEB KELCH, )  
                    )  
                    ) Case No. 1:21-cv-237  
*Plaintiff,*     )  
                    )  
                    ) Judge Travis R. McDonough  
v.                 )  
                    )  
                    ) Magistrate Judge Christopher H. Steger  
COMMISSIONER OF SOCIAL )  
SECURITY,          )  
                    )  
*Defendant.*     )

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**ORDER**

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On February 16, 2023, United States Magistrate Judge Christopher H. Steger filed his Report and Recommendation (Doc. 22) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Steger recommended that the Court: (1) grant in part Plaintiff's motion for judgment on the administrative record (Doc. 16); (2) deny without prejudice to refiling the Commissioner's motion for summary judgment (Doc. 18); and (3) remand the decision of the Commissioner under sentence six of 42 U.S.C. § 405(g). (Doc. 22, at 10.)

Neither party has filed objections to Magistrate Judge Steger's Report and Recommendation.<sup>1</sup> Nevertheless, the Court has reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Steger's well-reasoned conclusions.

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<sup>1</sup> Magistrate Judge Steger specifically advised the parties that they had fourteen days in which to object to the Report and Recommendation and that failure to do so would waive their right to appeal. (Doc. 10, at 5 n.1); *see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn*, 474 U.S. 140, 148–51 (1985) (noting that “[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings”).

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Steger's Report and Recommendation and hereby: (1) **GRANTS IN PART** Plaintiff's motion for judgment on the administrative record (Doc. 16); (2) **DENIES WITHOUT PREJUDICE TO REFILING** following remand the Commissioner's motion for summary judgment (Doc. 18); and (3) **REMANDS** the decision of the Commissioner under sentence six of 42 U.S.C. § 405(g) for consideration of the referenced "new evidence".

**AN APPROPRIATE JUDGMENT WILL ENTER.**

/s/ *Travis R. McDonough*

**TRAVIS R. MCDONOUGH  
UNITED STATES DISTRICT JUDGE**